

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the foregoing amendments and the following remarks.

The only claims currently pending at the time of the outstanding Office Action were claims 4, 15, 20 and 21, all independent claims which were previously indicated as being allowable. All the claims, however, were rejected in the outstanding Office Action. The independent claims have been amended and new claims 25-33 have been added in this Amendment.

On September 21, 2007, and October 18, 2007, Applicants' representative conducted telephone interviews with the Examiner in which the present application and the prior art were discussed. No agreement, however, was reached.

Applicants have amended claims 4, 15, 20 and 21 herein and previously cancelled claims from further consideration in this application. Applicants are not conceding in this application that those claims amended and cancelled are not patentable over the art cited by the Examiner, as the present claim amendments and previous cancellations are only for facilitating expeditious prosecution of the instant application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications

Claim Rejections under 35 USC 102(e)

Claims 4, 15, 20, and 21 stand rejected under 35 USC 102(e) as being anticipated by Tijerino (U.S. Patent No. 6,405,034) (hereinafter "Tijerino"). Applicants respectfully request reconsideration and withdrawal of these rejections.

As best understood, Tijerino represents a system and method for providing enhanced feedback to a user that requests information from a data retrieval system. *Tijerino*, Abstract. The data retrieval system has the ability to learn and adapt, using historical information and the like, to personalize and become more efficient at retrieving data for a user. *Id.*

In order to facilitate expeditious prosecution of the instant application, Applicants have amended the independent claims to recite, *inter alia*, "*automatically pushing* the information potentially of interest to the user of the wireless device, wherein the order in which the information is *automatically pushed* is based upon the at least one preference of the user." (Claim 21, emphasis added). Support for this added language can be found throughout the Specification, particularly at paragraph [0037] and with reference to figure 3 and accompanying text.

This language is intended to clarify that in stark contrast to Tijerino, the instantly claimed invention proactively provides information that it predicts or infers will be of interest to the user. Specification, figure 3 and accompanying text. Specifically, Tijerino fails to teach the limitations of the instantly claimed invention in at least the following way: Tijerino is a data retrieval system, responding to a user's request (*Tijerino*, Abstract; see also Col. 1, lines 52-55 (stating "there remains a need for an adaptive communication

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data retrieval system *that allows the user to retrieve personalized data in a quick, efficient, and easy to use manner.*") (emphasis supplied); see also Col. 4, line 66- Col. 5, line 1 (stating "[t]he server [] has the main function of *retrieving data responsive to the augmented data received* from the communication device..." (emphasis supplied)). Numerous other examples exist wherein it is clear that the system taught in Tijerino is a reactive system, awaiting a user request to employ its improved retrieval techniques.

In contrast, the instantly claimed invention essentially deduces, infers or predicts, using a variety of factors (discussed below), what the user *may* find interesting, and then proactively provides this information to the user. Figure 3 and accompanying text. Thus, Tijerino is insufficient to anticipate the instantly claimed invention. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 USC 102(e).

Newly Added Claims and Additional Items

Applicants have submitted new dependent claims 25-33 in this Amendment and made amendments to the independent claims. These new claims and amendments should provide, *inter alia*, a clearer insight into certain aspects and embodiments of the instantly claimed invention. Applicants would also like to note the dependent claims are patentable over the art of record for reasons in addition to those with respect to the independent claims. Applicants now undertake an outline of the newly added claim language with reference to language contained in the specification. Certain references will be made to prior art documents cited against this application throughout this discussion.

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Claim 21 is representative of the amendments to the independent claims and recites, *inter alia*,

determining a location of the wireless device; *predicting* information potentially of interest to the user from the location of the wireless device, *a time of day associated with the wireless device, and at least one preference of the user; automatically pushing* the information potentially of interest to the user of the wireless device, wherein the order in which the information is *automatically pushed* is based upon the at least one preference of the user; *encouraging the user to make a selection from an information set corresponding to the automatically pushed information; and storing information associated with the selection made in a database for subsequently predicting information potentially of interest to the user;* wherein the at least one preference of the user is predicted by utilizing a profile of preferences of the user; and wherein the profile of preferences is *obtained by ascertaining trends in selections made by the user and based upon historical data associated with the user.*

(Claim 21, emphasis added). The amended language addresses several important aspects of the invention, some of which are now described. First, it is clear that the invention is not passive, responding only to user requests, but “automatically pushes” information to a user’s device based on “predicted preferences.” Claim 21. It should also be apparent that the language “predicting” and “predicted” or the like is adequately supported by the whole of the specification, as it is inherent that the nature of the invention, according to at least one embodiment, is to “infer” what the user’s preferences are based on a multitude of factors. Predicting is intended to have the same meaning as infer in this respect, and predicting is a well known synonym for infer, such that it may be used interchangeably.

(www.dictionary.com (search word “predict” returns “infer” as synonym under thesaurus function) (last visited October 19, 2007)). Moreover, it is to be noted that the instant claim language enables the prediction of potentially interesting

information based not solely on time and spatial variables, but takes into account user preferences and historical data, as well as other factors (discussed below).

Claim 25 incorporates the limitations of claim 21 and is directed to an embodiment of the invention described on page 19 of the Specification (paragraph 0052). Here the artificial intelligence-like quality (i.e., the “inferring” or “predicting” aspect) of the instantly claimed invention is described in detail. Not only is it initially predicted or inferred what the user will find interesting initially (i.e. the information that is automatically pushed), but the invention is also capable of enticing a user to make a selection in order to discover additional information related to a particular piece of information. Thus, the system achieves further refinements such that “where, for example, restaurant selections are provided to [the user] repeatedly and user selections are saved, the present invention may draw inferences from those selections.” *Specification*, paragraph 0050. The more selections a user makes, the more finely tuned the prediction.

Claim 26 incorporates the limitations of claim 21 and is directed to an embodiment of the invention described on page 20, paragraph 0054. Here, the invention can utilized known information about a user to predict, given the user’s spatial and temporal and preference information, what the user is likely to find interesting. Thus, the collected information used for predicting is compared with a database of products and services. These two are matched, and included in the information of potential interest to the customer. Thus, it can be predicted that, based on the spatial and temporal location of the device and known information about the user, what products or services should be suggested to the user operating the device, given what products and services are available

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in the area of the device. This level of enhanced, predictive targeting of information to the user is not found in any of the art of record.

Claims 27 through 29 are dependent claims, respectively, and are directed to embodiments described on pages 18-20 of the Specification. Here, the various factors used for predicting the information that should be automatically pushed to the user are employed in a more limited setting. The types of preferred information that will be predicted are limited based on user preferences corresponding to particular types of goods, in particular places, at particular times. Thus, the instantly claimed invention clearly establishes new methods of predicting or inferring what a user's preferences may be, and forwards them in an intelligent and informed manner to enhance the user's experience, without requiring the user to request the same.

Claims 30 and 31 are directed towards embodiments of the instantly claimed invention as described in the original Specification at paragraph 0037. Here again, the instantly claimed invention is clearly distinguishable from any art of record in that the information likely to be of interest to the user is predicted based not solely on historical preferences, the location of the device, the time at which the prediction takes place, or the trends in a particular user's preferences, but further is based upon a proactive prediction utilizing dynamic information. Therefore, based on all of the above, in combination with a surge in utilization of particular information by other users, the prediction can be made that a particular user will find the information of interest. The example given in the Specification is accident information, gathered dynamically by noting that other users in similar spatial and time proximity want that information. Thus it is predicted that the

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information should be automatically forwarded to the user of the device, without the user requesting the information.

Claim 32 is directed towards an embodiment of the instant invention as describe on pages 17 and 18 of the original Specification. Here, specific local information is utilized, along with the user's preference, the time of day, etc., in order to predict what information will be of interest to the user. The information predicted is then automatically provided to the user, as recited in the language of the claims.

Claim 33 is directed towards an embodiment of the instant invention as described on page 17 of the original Specification. Here, the invention utilizes the various factors in predicting the information of potential interest to the user and forwards it utilizing a specific type of message.

The above described embodiments of the instantly claimed invention find full support in the original specification, either explicitly or inherently. Therefore, Applicants respectfully submit that the newly added claim language clearly distinguishes the invention from the prior art, and respectfully request reconsideration and withdrawal of the rejections.

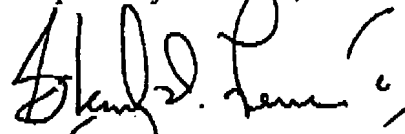
Conclusion

It is respectfully submitted that the instantly claimed invention is clearly distinguishable from the art of record, including Tijerino and Glorikian, and therefore that the instantly claimed invention is in condition for allowance. Accordingly, it is respectfully submitted that the rejection of Claims 4, 15, 20 and 21 should be withdrawn.

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In summary, it is respectfully submitted that the instant application, including Claims 4, 15, 20, 21, and 25-33 are presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Respectfully submitted,



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